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December 1, 2003

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**TO: Examiner Stephen Gucker****GROUP: 1642<sup>7</sup>****FAX NUMBER: 703-308-4242****ATTORNEY DOCKET NO.: PTQ-0027****SERIAL NO.: 09/115,589****FILED: July 15, 1998****NUMBER OF PAGES: 24****COURTESY COPY OF RESPONSE TO TELEPHONE INTERVIEW OF  
NOVEMBER 21, 2003 AND NOTICE OF APPEAL. ALSO FILED VIA  
FACSIMILE TO TC1600 FAX NUMBER 703-872-9307.****MESSAGE:** Attached please find Combined Amendment & Petition for Extension of Time  
Transmittal Letter (in duplicate); Notice of Appeal (in duplicate); Authorization to charge  
deposit account a total of \$640.00; \$165.00 for Notice of Appeal fee and \$475.00 for three (3)  
month extension of time fee; and Certificate of Transmission by Facsimile.**Kathleen A. Tyrrell, Registration No. 38,350****URGENT! PLEASE DELIVER IMMEDIATELY UPON RECEIPT. THANK YOU!**

\* \* \* \* \*

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TO:

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December 1, 2003

TO: Examiner Stephen Gucker (TC1600)

**GROUP: 1642**

**FAX NUMBER: 703-872-9907**

ATTORNEY DOCKET NO.: PTQ-0077

SPECIAL NO.: 09/115,589

FILED: July 15, 1998

NUMBER OF PAGES: 21

MESSAGS: Amended please find Combined Amendment & Petition for Extension of Time Transmittal Letter (in duplicate); Notice of Appeal (in duplicate); Authorization to charge deposit account a total of \$640.00; \$165.00 for Notice of Appeal fee and \$475.00 for three (3) month extension of time for; and Certificate of Transmittal by Facsimile.

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PAGE 021 • RCVD AT 12/11/2003 12:14:52 PM (Eastern Standard Time) • SVR:UPTD-ETX06-41 • DNR:377602 • CND:356 810 1454 • DURATION Int-sec:05:11

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December 1, 2003

**TO:** Examiner Stephen Gucker (TC1600)

**GROUP:** 1642

**FAX NUMBER:** 703-872-9307

**ATTORNEY DOCKET NO.:** PTQ-0027

**SERIAL NO.:** 09/115,589

**FILED:** July 15, 1998

**NUMBER OF PAGES:** 21

**MESSAGE:** Attached please find Combined Amendment & Petition for Extension of Time Transmittal Letter (in duplicate); Notice of Appeal (in duplicate); Authorization to charge deposit account a total of \$640.00; \$165.00 for Notice of Appeal fee and \$475.00 for three (3) month extension of time fee; and Certificate of Transmission by Facsimile.

**Kathleen A. Tyrrell, Registration No. 38,350**

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December 1, 2003

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**Kathleen A. Tyrrell, Registration No. 38,350****URGENT! PLEASE DELIVER IMMEDIATELY UPON RECEIPT. THANK YOU!**

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**NOTICE OF APPEAL FROM THE PRIMARY EXAMINER TO  
THE BOARD OF PATENT APPEALS AND INTERFERENCES (Small Entity)**Docket No.  
PTQ-0027

In Re Application Of: Van Eyk et al.

Serial No.  
09/115,589Filing Date  
July 15, 1998Examiner  
Gucker, StephenGroup Art Unit  
1647

Invention: Methods of Diagnosing Muscle Damage

TO THE COMMISSIONER FOR PATENTS:

Applicant(s) hereby appeal(s) to the Board of Patent Appeals and Interferences from the decision of the Primary Examiner dated May 30, 2003 finally rejecting Claim(s) 1-4, 6-28 and 53-55

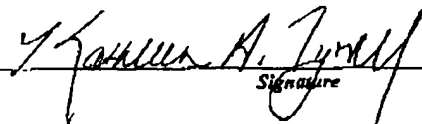
Applicant is a small entity under 37 CFR 1.9 and 1.27.

A verified statement of small entity status under 37 CFR 1.27:

- ☐ is enclosed.
- ☒ has already been filed in this application.

The fee for this Notice of Appeal is: \$165.00

- ☐ A check in the amount of the fee is enclosed.
- ☐ The Director has already been authorized to charge fees in this application to a Deposit Account.
- ☒ The Director is hereby authorized to charge any fees which may be required, or credit any overpayment to Deposit Account No. 50-1619

  
Signature

Dated: December 1, 2003

Kathleen A. Tyrrell, Reg. No. 38,350

Licata & Tyrrell P.C.  
66 East Main Street  
Marlton, New Jersey 08053  
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Fax: 856-810-1454

I certify that this document and fee is being deposited on \_\_\_\_\_ with the U.S. Postal Service as first class mail under 37 C.F.R. 1.8 and is addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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